

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 28 2015 ★

NASSER EL-MINIAWI

~~2 KEEN GATE~~

~~SYOSSET, N.Y. 11791~~
NAME OF PLAINTIFF(S)

WALGREENS
v.

NAME OF DEFENDANT(S)

COMPLAINING ISLAND OFFICE

CV-15 2414
FEUERSTEIN, J

TOMLINSON, M

This action is brought for discrimination in employment pursuant to (check only those that apply):

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

☒ _____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be
appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of
1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

2 KEEN GATE

Street Address

Schoharie
County

N.Y.
State

11791
Zip Code

516 364 9062-516 4685468
Telephone Number

2. Defendant(s) resides at, or its business is located at:

1770 DEER PARK AVE

Street Address

SUFFOLK
County

DEER PARK
City

N.Y.
State

11729
Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

1770 DEER PARK AVE

Street Address

SUFFOLK
County

DEER PARK
City

N.Y.
State

11729
Zip Code

4. The discriminatory conduct of which I complain in this action includes
(check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.
☐ Retaliation
☒ Other acts (specify): AGE DISCRIMINATION

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

~~6/23/12~~ 11/7/12
Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.
☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for discrimination, for example,
what is your religion, if religious discrimination is alleged)

☐ race _____ ☐ color _____
☐ gender/sex _____ ☐ religion _____
☐ national origin _____
☐ disability _____

☒ age. If age is checked, answer the following:

I was born in 1960. At the time(s) defendant(s) discriminated against me,
Year

I was ☒ more ☐ less than 40 years old. (check one).

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

I HAD 4 CONSECUTIVE GOOD RATING EVALUATIONS FROM 2008-2010
I WAS FIRED BY MR. MOY IN 2012. AFTER MR. NISHA KABOR STARTED
TEXTING BOTH HAMMAD & MOY. A CUSTOMER WAS MAKING HER LAUGH
WHEN SHE MENTIONED I WAS HELPED BY THE 60 YEARS OLD WHITE HAIR
PHARMACIST AT THE DRIVE THRU YESTERDAY, THEN MR. HAMEEDI STARTED
GIVING ME EXTRA TASKS MAKING MY LIFE IMPOSSIBLE. MR. HAMEEDI
STARTED HIS ESCALATED 30-60-90 DAYS AS PER MR. MOY DIRECTIVE &
AS ENCLOSED. I WAS FIRED 11/1/12 WITHOUT SIGNED OR FAIR
EVALUATION, AFTER SERVING 11.4 YEARS AS IN THE EXHIBITS ENCLOSED.
(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____.

Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 11/2012.

Date

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct (*check one*):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

☐

has not issued a Right to Sue letter.

☒

has issued a Right to Sue letter, which I
received on 2/3/15
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.


PLAINTIFF'S SIGNATURE

Dated: 4/28/15

2 KEEN GATE

Address

54055ET N.Y. 11791

516 364 9062-5/64685468

Phone Number

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Nasser El-Miniawi**
2 Keen Gate
Syosset, NY 11791

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2013-00769

Donna M. Walcott
Senior Investigator

(212) 336-3679**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry
District Director

FEB 03 2015

Enclosures(s)

(Date Mailed)

cc:

WALGREENS COMPANY
Respondent's Representative
Joel L. Finger, Esq.
LITTLER MENDELSON, P.C.
900 Third Avenue
New York, NY 10022

Attachment

My name is Nasser El-Miniawi. I was born on February, 8 1960. I was 52 years and 9 months of age when I was fired from Walgreens. I was hired as a staff pharmacist by Larwrence Beninati, who was a district Manager July 2nd 2001. I reported to work for the past 11 years and 4 months at Walgreens store 05439 at 1770 Deer park avenue Deer Park NY 11729. I was an overnight pharmacist. My current supervisor who was hired as a pharmacy manager for store 05439 in 2012 is Hammad Hameedi. I am filing a charge of age discrimination against Walgreens. I was told by Mr. Hameedi, "You are not up to speed, lazy and not up to the level of efficiency that the company demands, especially for a high volume overnight store like this, which can be overwhelming for any pharmacist." I worked in this store since 2001 when it was in its infancy making its first million. Now it is a high volume store making over 8 million. I was the first pharmacist to start on their overnight shift. I was told by Mr. Hameedi, "the good old days are now gone and the company demands are increasing, and the company is changing needing more speed and efficiency, not lazy or slow." Further, he said, "work is not going to be a routine anymore and I want to be impressed more than anybody else in the next interval of 30 days up to 90 days and see significant improvement." As in the directive e-mail given by Mr. Joseph Moy (Exhibit 2) which upon it Mr. Hameedi wrote a note (Exhibit 7) for himself of things to do 1- ESI (call express script insurance patients) 2- get rid of syringes 3- Nasser.

I am not lazy or slow. I covered the company for 2 extra overnight shifts working a total of 88 hours for them to install new computers. Store 5956 Amityville and store 2630 East Northport (Exhibit 1). My 72 hours week ends on a Monday morning and I worked the same Monday night and as well as Wednesday night. As an overnight pharmacist there is no task or duty that I am not performing for that pharmacy. When I was an overnight pharmacist, I was on my own and had no technician or cashier; I had to take care of the demands of the phone, patients dropping off prescriptions, the drive thru, placing the order, editing the order, putting away the order some nights over 14 totes have to be put away, file the days prescriptions over 500 (exhibit 3), filling prescriptions, providing high customer service, measure blood pressure, immunization, compounding prescriptions, flavoring medication, checking for and, returning expired medication, printing reports, do smart count, bin reconciliation, mailing the prescriptions not picked up by patients and do returned to stock, throwing the days garbage and sweeping the pharmacy. I was given extra duties for this period (do mylars for the entire pharmacy, do counts for the entire pharmacy medication (exhibit 4, exhibit 5)).

I am not a bad pharmacist. You can check Walgreens Stars, which is part of Walgreen's computer system where mistakes are documented/ recorded. I had no mistakes in the stars for 11.4 years and did not hurt a single patient, did not steal from the company, and did not take narcotics the only acknowledgment I got was a pin for 10 years of service (exhibit 6).

I was told by Mr. Hameedi that store 5439 is on the company's list to become state of the art store with an HIV Center, for which I took a course and passed.

I was told by Mr. Moy on November 7, 2012 that an entry level pharmacist can do a better job than me, in which he is letting me go, so the store will run more efficiently. I was not given a chance or an alternative.

I asked Mr. Moy if I can get a day shift, a lower volume store, become a floater pharmacist, or even get part time. His answer was "no, I can get someone faster to run the shift more efficiently, so I will let you go."

I am charging Walgreens with age discrimination. Check Exhibit 3 which is from Walgreens website-find your pharmacist near zip code 11729. You can see Walgreens have low volume stores during the day shift with older pharmacists, like the stores I went to help install new computers. These are daytime pharmacies with day time help. The pharmacists on Exhibit 3 have been with the company for many years and have been given day shifts at low volume stores with cashiers and technicians help. They should have given me a shift as that, especially someone that helped the company with overwhelming work overnight, Yet I still served them and at times with extra help beyond my shift when needed as Exhibit 1 shows. You can also check exhibit 3 from walgreens.com meet your pharmacist that has my younger replacement in Deer Park 5439.

07/07/2013

Mr. Kevin J. Berry
District Director
U.S. Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor
New York, NY 10004

Reference: Nasser El-Miniawi, v. Walgreens Co.
EEOC charge No. 520-2013-00769

Dear Mrs. Walcott & Mr. Berry,

I have worked for Walgreens for 11.4 years and I have a clean record, compared to my supervisor. Walgreens age discriminated against me on November 7th of 2012 when Mr. Moy fired me on the spot. This all started when I first heard from an intern, who overheard around the pharmacy that they wanted to fire me. The intern (his name will be mentioned if needed) GALLAD personally told me, "I cannot believe what I am hearing about you, just be careful." Mr. Moy did not give me a fair evaluation or valid reason for firing me. Mr. Moy stated that he could replace me with "someone that is faster and can run the shift more efficiently". I did ask him if he could give me a day time shift, floater shift, a part time, or even a low volume store. He said, "the answer is no, and I have to let you go. I have a list and you are on the bottom of that list". You can subpoena Mr. Moy for that statement and obviously I did not thank him for firing me. As shown in Exhibit 2 & 7, Mr. Moy sent an email saying, "to make sure to get it right this time" to Mr. Hameedi (upon which Mr. Hameedi wrote a note to remind himself) to 1. Call ESI (express script insurance) people 2. Get rid of syringes and 3. Nasser, which means to get rid of me.

As well as working overtime at the Walgreens pharmacy in Deer Park, I have worked in other stores to help the company over night throughout the years such as, Hicksville, Amityville, Bethpage, Selden, Smithtown, Elmhurst, Guy R Brewer Blvd, Freeport, East Northport, Farmingdale, South Farmingdale, Huntington Station, and many more which can be shown on my list for the overtime, which I have worked through my payroll over the years. At some of these stores, I observed that they have a technician that helps the pharmacist for at least half the night (i.e. Selden). I also observed and as shown in Exhibit 3 that there are daytime pharmacists around my age and older, who are given lower volume stores that hardly get 150-200 prescriptions a day, without working overnight. If I worked in one of those stores those pharmacists are working in, I would most likely get a good rating. Except, I have been working the majority of my time in a very high volume store in Deer Park overnight, where I am the only employee in my store that is in my age group. I did not have any helpers, such as technicians,

during my shift overnight like any of the other stores. Our store has also been held at gunpoint three times in my life of working there... This is how serious working the overnight shift alone can get... I have been singled out as the only employee of that age, and have been considered slow by other employees including the supervisor. For example, Mr. Hameedi said I was "slow". He even further mentioned, "You are slower than Mr. Yadwinder." He offended me and my age by referencing me to a pharmacist who was fired a couple of months earlier than me and only worked for the company for a couple of years. Mr. Hameedi treated me lower than the rest of the employees. Mr. Moy also singled out, me, the overnight pharmacist who had the burden of handling an overwhelming busy pharmacy such as Deer park. **If my firing was based on bad ratings alone, then why did Walgreens wait 11.4 years to fire me rather than fire me a couple of years like Mr. Yadwinder? And if I had such bad ratings, then why did they request me for extra shifts in all these stores spread across the New York Metro area overnight? Please check my overtime list in all these high volume stores.**

In the Walgreens argument against me, they stated that Mr. Moy was professional during my meeting with him on the day of my termination. This is false. Inside the office with him, he was speaking in a loud manner. Also as a witness, my wife was standing outside the office and she said that she could hear Mr. Moy speaking loud inside the room. After I got out, my wife asked, "What happened and why was Mr. Moy speaking loudly?" I then told her I got fired. She was shocked and kindly asked Mr. Moy, "why?" However Mr. Moy unprofessionally handled the situation by unprofessionally speaking loud to my wife and slammed the door in her face and mine. You can subpoena my wife and Mr. Moy.

Walgreens tampered with the evidence by masking and super-imposing Mrs. Yousline Allen's evaluation of 2011 that I signed. Walgreens changed it to appear to you as a fair evaluation for 2012, which I never signed and never had a fair evaluation for. Please see **Exhibit 8** which is my **original copy** of 2011 from the Walgreens website. You could see that Walgreens went to the extent of manipulating and **super-imposing** as shown in **Exhibit 9**. Hameedi's name was super-imposed on the 2011 to deceive you into thinking that we had acknowledgment of the annual performance review conversation. If you compare Mrs. Yousline Allen's 2011 evaluation, you could see that I responded to all the questions, that we both signed the evaluation as shown in exhibit 8. I rebutted her evaluation by responding in exhibit 8, which is a true copy from the Walgreens website in 2011. Walgreens took that same image and super-imposed it for you to see it as the acknowledgement of the annual performance review conversation for 2012 that never existed, however, it was only rolled through by Mr. Hameedi upon Mr. Moy's E-mail directive Exhibit 2. They also tried to make you believe that I was fairly reviewed all along, and that I signed and approved the evaluation. The evaluation was dated 5/30/11 with Mr. Hameedi, when in fact it was with me and Mrs. Yousline Allen. It is impossible for it to be reviewed by Mr. Hameedi because he was hired in March 2012 according to Mr. Finger. **How could Mr. Hameedi evaluate me in 2011 when he was hired in 2012?** This proves they super-imposed this evaluation. There is also a notation on the document that states that this does not indicate an employee's

agreement with the content of the performance review, when underneath there is statement saying that I disagreed with my rating of 2.7 out of 5.00. Walgreens aim was to confuse you into believing that I had a fair evaluation or conversation or approval or signature. They also overwhelmed you with extra copies including Keri Steinhart 2002, which was placed again before Yousline and Hameedi's to aim you to either over-look or confuse you.

Mr. Hameedi's evaluation had no date, was never reviewed by me, never submitted by me, never captioned, or signed by me. It was only signed, reviewed, captioned and accelerated by Mr. Hameedi through directive email from Mr. Moy (exhibit 2). It was rolled only by Mr. Hameedi's signature (Please examine carefully date 5/30/11 not 2012) Also, **Mr. Hameedi was called to court twice by the DEA (Drug Enforcement Agency) for excessive dispensing of unscrutinized/ fake Oxycodone 30mg prescriptions and he was warned by the DEA. He was at a hearing twice, please investigate that.**

Mr. Zhi Chiu's 2005 evaluation date (Exhibit 10) shows that **the date is tampered with.** It consists of many meaningless digits -12/053/22/2005- showing that the rest of the wording is untrue and also tampered with. This is not a not a true copy. You can compare Mr. Zhi Chiu's, who addresses my attributes in a hostile manner to that of the sincere evaluation of Keri Steinhart 2002 evaluation. **Please review Mrs. Keri Steinhart's sincere evaluation in 2002** where she commented, "Nasser is a very nice person to both staff and customers, who keeps the pharmacy clean." A person's attributes do not change overnight. Walgreens did not mention when people place a letter of praise for good customer service in their call center. Please investigate that. To name a few, there are letters from Mrs. Marie St. Louis Baptiste, Mr. Weesam Mesieha, Mr. J. Figueroa etc... and others that always praised my work such as Mr. Tobar, Mr. Hennis, Mr. Jean Pierre and others. Mr. Zhi Chiu's reproduced evaluation (which is a very bad hostile evaluation with a rating of 1 and a very low employee attribute) is not true. According to Mr. Finger, Walgreens tolerated a substandard employee year after year for 11.4 years or 7 more years after 2005. (See the reproduction with a rating of 1) (Mr. Zhi Chiu left his pharmacy manager professional position to become just a store Manager for more money disregarding the professional position)... he is just a store Manager at store #15118 address 603 Uniondale avenue at Jerusalem avenue, Uniondale, N.Y. 11553 Telephone 516 481 4825.

I was hired on July 2nd, 2001 by Mr. Lawrence Beninati. In his hiring interview he stated, "If you can give us (Walgreens) just 10 years on the overnight shift that would be great". Mr. Lawrence Beninati said this because it is very tough to work an overnight shift. You can summon Mr. Beninati for his statement.

Walgreens does not hesitate to fire employees within a couple years of their employment; they fired Mr. Yadwinder Singh from the overnight shift in Hicksville in 2012. You can investigate his hiring-firing, and evaluations. His length of employment was only a couple of years (Store #3102 address 210 S. Broadway, Hicksville, N.Y. 11801 Telephone # 516 433 2711).

Yet, I have been working for Walgreens for 11.4 years which shows that these complaints are not the reasons to why they fired me, and not all were valid complaints. For example, March 24th 2012 Walgreens' incident customer report regarding a customer coming to pick up a prescription for an anti-biotic. As also mentioned in the letter, I called the hospital on the phone to get the customer's authorization approved. A standard procedure for the pharmacist in filling a prescription, I called the hospital for the authorization number then continued to multitask in the pharmacy while waiting for a reply on the phone. As part of my job, I was trying to multitask to get things done. The customer was impatient of course because he just returned from the hospital and wanted to go home, but I still had to follow procedure and wait for the code to be authorized through the insurance.

It is unfortunate that Walgreens did not mention the other side of the coin. Please investigate all the extra shifts of overtime, for example 10/8/2012 and 10/10/2012 and, especially over the years to cover other stores on the overnight, in addition to my work schedule. It does not make sense that Walgreens would put me in other stores overnight if I had such bad ratings. Please investigate the overtime payroll over the years and other stores I have worked in as well as in the Deer Park store. I covered the store during Hurricane Sandy during my week on Monday through Sunday. I did not complain or harass the scheduler, or ask to take that week off after it was scheduled, or did not make any excuse not to go work. Instead, I took the danger and put my life on the line, leaving my wife and kids who were very worried about me, and I kept the pharmacy open for those who needed the proper medications during the emergency. The pharmacy's lights were also going on and off. Not to mention the drive on the Long Island Expressway with trees falling and the news warning that no one should venture out during the storm. Rather than staying safe at home with my family and call in saying I could not make it, I went out to help those who needed professional attention during the storm.

Also Mr. Mohammed (Dani) Karam's interception between me and the patients- for me to fill their prescription- you could subpoena him too under oath.

As for the unfair complaints, for example Mr. Karam's complaint about me just sitting in the pharmacy, it is false. He said that I was "sitting in the pharmacy and not performing many of the tasks, such as filling prescriptions". How could the tasks of a busy pharmacy be done if I had been sitting there doing nothing?

In Conclusion: Walgreens was not supposed to misguide or mislead the EEOC with tampered evidence. Walgreens is leading you to believe false documentation that was reproduced from 2011 to show as evidence for 2012 as per the original Walgreens rebuttal that I had saved from 2011 Walgreens website. With all due respect to Mr. Finger, the discrimination charge was based only on the decision to fire the only old employee in Deer Park, which was me. I believe there was no fair judgment or valid reason to terminate my job. Walgreens is trying to discredit me as a faithful employee that served them for 11.4 years, by masking the evidence and not admitting

that they made a mistake. They tampered with the evidence, reproduced, super-imposed and even overwhelmed you with extra copies. Walgreens wants to lead you to believe that they and Mr. Hameedi were fair in their evaluations, ratings and decisions, when in fact I was disposed of on a day's notice by a rolling directive E-mail from Mr. Moy. I was fired in order for them to make room for a state of the art store in Deer Park with a faster, more efficient Replacement. This is the truth and not imagination as Mr. Finger claims, and it all occurred without being offered a fair alternative or option. I leave that for your fair judgment of all the evidence that I have given. If you have any questions, feel free to contact me.

Thank you,
Nasser El-Miniawi

04/07/2013

Hello, Mrs. Arrujo,

This is in reference to Walgreens wanting to mediate out of court. If we do not reach a mutually amicable solution, we will get the right to sue letter then proceed with our lawyers, and with a full law suit including violations such as age discrimination against Walgreens practices brought in front of the Federal court judges and jurors.

These are my points:

1. **I served the company faithfully overnight for 11.4 years.** I have not been able to find another full time job since November 7th.
2. **I feel 11.4 years of my youthful life were cut out because of Walgreens.**
3. **I lost 10 years of salary since November 7th to age of retirement (which is at the age of 52 ½ to 62 ½).**
4. **I lost 10 years of profit-share Walgreens retirement plan benefits for my wife and three kids.** The company was paying three dollars to one dollar.
5. **I lost 10 years of share Walgreens stocks and options.**
6. **I have a wife, a five year old with no secure future because of Walgreens firing me on the spot, I have a daughter who is going into college next year and a son who is going into college the following year, and meanwhile I have no job.**
7. **For not given a chance, option, alternative or no real valid reason to be cut off of everything, fired and severed from all this on a day's notice.**
8. **Compounding all four damages highlighted above for someone who faithfully served without insubordination or violation.**

Therefore I charge Walgreens for a reward of 4.4 million, which is equivalent to 1/3 the 11.4 years of my life that I consider wasted with them and cutoff with no reward or compensation.

X

03/26/2013

Hello Mr. Nathaniel,

This is in reference to Walgreens wanting to mediate out of court. If we do not reach a mutually amicable solution, we will then proceed with our lawyers, and with a law suit through the federal court judges and jurors.

These are my points:

1. I served the company faithfully overnight for 11.4 years.
2. I suffered psychological damage for not being able to find another full time job since November.
3. I was diagnosed with sleep apnea from working overnight. I now have to sleep with a mask in front of my kids.
4. I was denied refinance on my home from Wells Fargo for not keeping a full time job.
5. I feel 11.4 years of my youthful life were cut out because of Walgreens.
6. My mom was very sick for more than 10 years and passed away in 2010. I was not able to attend to her or even visit her as much because I had to go to sleep in the day time.
7. I lost 17.5 years of salary since November 12th to age of retirement (which is at the age of 70).
8. I lost 17.5 years of Walgreens retirement plan benefits for my wife and three kids. The company was paying three dollars to one dollar.
9. I lost 17.5 years of Share Walgreens stocks and options.
10. I have a wife, a five year old with no secure future because of Walgreens firing me on the spot for no valid reason, a daughter who is going into college, and a son who is going into college in a couple of years, meanwhile I have no job.
11. Compounding all these damages for someone who faithfully served without insubordination or violation.
12. For not given a chance, option, alternative or no real valid reason to be cut off of everything, fired and severed from all this on a day's notice.
13. Not to mention the life threatening situations when I opened the store during hurricane sandy overnight, where the lights were flickering on and off and when the streets were inaccessible, and also other major snow storms.
14. I sacrificed many of my valued family time now that I look back, when I had to cover every New Year or Christmas, and other major holidays overnight.
15. The store was held at gun point overnight 3 times in my time covering them.
16. The embarrassment of losing my job in front of my kids and wife as a professional and also not finding a full time job yet.

Therefore I charge Walgreens for a reward of 11.4 million for my youthful time of my life that I consider wasted with them and cutoff with no reward.



EMPLOYEE | SCHEDULE |

User: NASSER EL -
MINIAWI
Market: NEW YORK

My Schedule

Pay Period of: 09/29/2012-10/12/2012

Sat 09/29	Sun 09/30	Mon 10/01	Tue 10/02	Wed 10/03	Thu 10/04	Fri 10/05	Sat 10/06	Sun 10/07	Mon 10/08	Tue 10/09	Wed 10/10	Thu 10/11
		9:30pm - 8:00am 5439 REG	9:30pm - 8:00am 5439 REG	9:30pm - 8:00am 5439 REG	9:30pm - 8:00am 5439 REG	10:00pm - 8:00am 5439 REG	10:00pm - 8:00am 5439 REG	10:00pm - 8:00am 5439 REG	11:45pm - 8:15am 5956 REG		12:00am - 8:00am 2630 REG	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift	Available for Extra Shift

[Blank] = Available, but not scheduled

UNA = not available for scheduling

OFF = Approved time off

UNS = not available for scheduling

VAC = Paid

Needed Open Shifts

A disabled checkbox indicates that you have an overlapping shift. If you want to volunteer for that shift, please contact your schedule

Select	Date	Shift	Store	Store Address	Store Phone	D
--------	------	-------	-------	---------------	-------------	---

Select days and submit to be added to call list

Submit

Cancel

View Other Market's Open Shifts

TOTAL HOUR 88

MY WORKWEEK PAYROLL

2 DAYS OF OVERTIME

(STORE 5956 & STORE 2630)

HELP FOR NEW

COMPUTERS INSTALLATION

EXHIBIT 1

Pharmacy Manager 05439

From: "Moy, Joseph" <joseph.moy@walgreens.com>
To: "Store rxm.05439" <rxm.05439@store.walgreens.com>
Cc: "Store mgr.05439" <mgr.05439@store.walgreens.com>
Sent: Friday, September 28, 2012 7:56 AM
Subject: FW: reopen PIP and Discipline - Expired 60-day - - - Interesting "new" issue - we'll discuss with Employee Relations.....

Hammad – make sure you get this right in the system this time. See below.

From: Lannefeld, Kurt
Sent: Friday, September 28, 2012 9:52 AM
To: Moy, Joseph
Cc: Robelia, Jason; King, Joe; Chesnutt, Jim
Subject: RE: reopen PIP and Discipline - Expired 60-day - - - Interesting "new" issue - we'll discuss with Employee Relations.....

Joseph:

I re-opened the PIP to Team Member Acknowledgement which is the only step it will re-open to since that is the earliest 'Past Due' step. Once the Team Member signs, it should step through the rest of the steps that were not completed (30 day Team Member/Manager, 60 day Team Member/Manager, etc...)

- Kurt

Kurt Lannefeld
Randstad Technologies (Consultant for Walgreens)
847-315-8194

EXHIBIT #2

10/16/2012

Walgreens



EXHIBIT 3 (3 PAGES)

Find a Pharmacist

11729

SEARCH

REFINE BY SERVICE Show Filters

There are 531 pharmacists near 11729

Tweet

Like 479 Send

Pharmacy Staff at 1770 DEER PARK AVE, DEER PARK, NY 11729-5203 (0.63 miles away) Store Details 05439

< 1 2 3 4 >

**Hammad H. Pharmacy Manager** | Years With Walgreens: 2

Generic Medications, Medication Side Effects, Over-the-Counter Products

**Nisha K. Registered Pharmacist** | Years With Walgreens: 8

Immunizations, Medications, Women's Health

**Bindu N. Registered Pharmacist** | Years With Walgreens: 14

Generic Medications, Immunizations, Unsafe Drug Interactions

24
HOURSNOT LESS THAN
500 RX'S/DAY
INCLUDING OVERNIGHTPharmacy Staff at 5001 JERICHO TPKE, COMMACK, NY 11725-2842 (5.42 miles away) Store Details**Ke Hua L. Pharmacy Manager** | Years With Walgreens: 18

Generic Medications, Immunizations

**Amy Y. Registered Pharmacist** | Years With Walgreens: 16

Generic Medications, Immunizations, Over-the-Counter Products

Pharmacy Staff at 555 LARKFIELD RD, EAST NORTHPORT, NY 11731-4203 (6.69 miles away) Store Details

**John F. Pharmacy Manager** Years With Walgreens: 23

Immunizations, Medications, Over-the-Counter Products

**Sunil U. Registered Pharmacist** Years With Walgreens: 26

Immunizations, Men's Health, Unsafe Drug Interactions

STORE 2630 EAST NORTHPORT
9AM TO 9PM
LESS THAN 150 RX/DAY
DAYTIME/NO OVERNIGHT
ONLY

Pharmacy Staff at 918 MAIN ST, SOUTH FARMINGDALE, NY 11735-5426 (6.92 miles away) Store Details

**Giuseppe S. Pharmacy Manager** Years With Walgreens: 11

Generic Medications, Medications, Unsafe Drug Interactions

**Larry C. Registered Pharmacist** Years With Walgreens: 40

Generic Medications, Medications, Over-the-Counter Products

STORE HOURS 8AM TO 10PM,
LOWER VOLUME STORE
DAYTIME/NO OVERNIGHT
ONLY

Pharmacy Staff at 275 BROADWAY, AMITYVILLE, NY 11701-2708 (7.65 miles away) Store Details

**Yousline A. Pharmacy Manager** Years With Walgreens: 12

Immunizations, Medications, Women's Health

**Leena J. Registered Pharmacist** Years With Walgreens: 8

Diabetes Management, Immunizations, Medications

STORE 5A56
AMITYVILLE
8AM TO 10PM
LESS THAN 200 RX/DAY
DAYTIME/NO OVERNIGHT
ONLY

Pharmacy Staff at 1860 VETERANS HWY, ISLANDIA, NY 11749-1501 (7.88 miles away) Store Details

**Michelle A. Pharmacy Manager** Years With Walgreens: 6

Heart Health, Immunizations, Over-the-Counter Products

**Nga L. Registered Pharmacist** Years With Walgreens: 7

Generic Medications, Immunizations, Women's Health

Pharmacy Staff at 984 NEW YORK AVE, HUNTINGTON STATION, NY 11746-1202 (8.33 miles away) Store Details

**Shibu T. Pharmacy Manager** Years With Walgreens: 7

Diabetes Management, Generic Medications, Immunizations

Pharmacy Staff at 4120 HEMPSTEAD TPKE, BETHPAGE, NY 11714-5600 (9.06 miles away) Store Details

**Priti T. Pharmacy Manager** Years With Walgreens: 13

Diabetes Management, Immunizations, Over-the-Counter Products



Michelle A. Pharmacy Manager | Years With Walgreens: 6

Heart Health, Immunizations, Over-the-Counter Products



Nga L. Registered Pharmacist | Years With Walgreens: 6

Generic Medications, Immunizations, Women's Health

Pharmacy Staff at 406 S OYSTER BAY RD, HICKSVILLE, NY 11801-3513 (9.37 miles away) Store Details



Amy P. Pharmacy Manager | Years With Walgreens: 8

Children's Health, Immunizations, Medications



Jainy J. Registered Pharmacist | Years With Walgreens: 6

Generic Medications, Immunizations, Over-the-Counter Products

< 1 2 3 4 >

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Find a Pharmacist

1770 deer park ave deer park ny 11729

SEARCH

REFINE BY SERVICE Show Filters

There are 537 pharmacists near 1770 deer park ave deer park ny 11729

0 Tweet 473 Like Send



Walgreens

COUNTS	MYCARS
Test rack ✓	Test rack ✓
bowel prep ✓	bowel prep ✓
Bay 6 ✓	Bay 6 ✓
Bay 7 ✓	Bay 7 ✓
liquids ✓	liquids ✓
fridge ✓	
metamizole vial - Nasser	
BAY 5 ✓	
BAY 4 ✓	

11/4/12

NASSER

ALL MYCARS ARE
DONE ✓

ENTIRE PHARMACY

EXHIBIT 4

A NOTE FOR MR. HAMEEDIEROOME EARLIER WORK ENTIRE STORE MYLARS DONE 11/3/12

- count entire store
starting with
fast rack

- if you make out
claims → note on
back counter

(*) 930 Mon - TH.

HAMAD ^{HAMEED}
NOTE TO
ME OF EXTRA
THING TO DO

EXHIBIT 5

To: Rodd Andrews
Store: 5439
Walgreens
1770 Deer Park Avenue
Deer Park, NY 11729-5200

For: Nasser El - Miniawi
Years of Service: 10
Anniversary Date: 07/02/11

EXHIBIT 6

Walgreen	
Name	
Address	
Phone#	
Dr.	① call 25 people
Refill	② get rid of Syringes
Address	③ Masseu
Phone#	
DEA/NPI#	
VM/Caller ID	

EXHIBIT 7

HAMAAD'S NOTE AFTER
MOY'S SEPTEMBER 28 E-MAIL
OF THINGS TO DO.



Staff Pharmacist Performance Review

Employee: **NASSER EL - MINIAWI**
 ID: 1019740
 Store: 5439 - 1770 Deer Park Ave.
 Deer Park, NY 11729-5203
 District: 291 Long Island
 Reviewed by: Yousline Allen-Leblanc, Pharmacy Manager
 Review period: 12 months through March 2008

Key Job Responsibilities

Area	Description	Self Rating	RXM Rating	RXM Comment
Compliance	Ensures the legal and ethical practice of pharmacy by all pharmacy staff. Abides by laws and regulations and ensures confidentiality	Meets Expectations	Meets Expectations	

Job Skills and Competencies

Area	Description	Self Rating	RXM Rating	RXM Comment
Analysis	Uses Store systems and reports to identify key operating issues and trends, demonstrates understanding of KPIs and exhibits skills in quantitative analysis.	Meets Expectations	Needs Improvement	needs to take more initiative to learn about the systems and reports
Communication	Shares accurate, complete, and timely ideas and information with pharmacy staff and management. Delivers difficult messages with an appropriate demeanor, listens well, and shows respect for recipient of the message.	Above Average	Meets Expectations	
Leadership	Clearly and openly communicates direction to the entire team. Builds credibility with entire staff.	Above Average	Meets Expectations	
Drive for Results	Demonstrates a sense of urgency, supports the directions of management, takes initiative and exhibits a high-energy level to store and pharmacy staff.	Meets Expectations	Needs Improvement	employee doesn't take any initiative
Flexibility	Shows willingness to change and adaptability to the Company's new systems and procedures and supports Company changes.	Above Average	Meets Expectations	

Overall Rating

Note: The sub-ratings above may be assigned different weights or priorities in determining the Overall Rating. An Overall Rating of "Needs Improvement," "Unacceptable," or "Repeat Sub-Standard" indicates a performance level that requires prompt corrective action. Also, even an employee receiving an Overall Rating of "Outstanding," "Above Average," or "Meets Expectations" may still have critical performance deficiencies that require remedial, corrective, or disciplinary action.

Self Rating: Above Average
 RXM Rating: **Meets Expectations**

Self Comments: I have developed more strength in communicating with other staff, and following through for the best of the pharmacy service we provide.

Pharmacy Manager Comments: does the work when asked --

Developing Self and Others	demeanor. Willing and able to improve own job performance through training, improving skills, increasing knowledge of the pharmacy, and learning new procedures. Monitors own performance, seeks to learn best practices from others, and sets high personal standards. Assists in the development of pharmacy staff by sharing information about pharmacy issues.	Outstanding Meets Expectations
Time Management	Is able to perform tasks simultaneously and also minimizes time between tasks. Works well under pressure and focus on tasks in a busy environment. Adheres to scheduled shifts and displays a strong work ethic.	Outstanding Meets Expectations
Interpersonal Relations	Encourages an inclusive atmosphere with open communication and mutual respect. Accurately interprets others' attitudes, feelings, emotions and reactions and displays a courteous, patient, and respectful attitude. Is comfortable dealing with people from diverse backgrounds to provide customer service, deal with conflict, and maintain morale. Accepts feedback and uses it towards self-improvement.	Outstanding Meets Expectations
Adaptability/Flexibility	Adapts to new systems, procedures, policies, and staffing changes. Is open to new experiences and ideas and is willing to try new solutions to problems.	Outstanding Meets Expectations

Overall Rating

Note: The sub-scale ratings above may be assigned different weights or priorities in determining the Overall Rating. An Overall Rating of "Needs Improvement" or "Unacceptable" indicates a performance level that requires prompt corrective action. Also, even an employee receiving an Overall Rating of "Outstanding", "Above Average" or "Meets Expectations" may still have critical performance deficiencies that require remedial, corrective or disciplinary action.

Self Rating	Outstanding
RXM Rating	Meets Expectations
Self Comments	adhering to the best practices for the pharmacy's overall success
RXM Comments	good team player -- needs to show more leadership

Goals - Personal Development

In the space provided please write one or more work-related self development goal(s). Your goal(s) should be a SMART goal: specific, measureable, achievable, relevant and time-bound. Be as concrete as possible.

My Goal

RPH to be trained in different areas of the pharmacy for achieving the best customer service and satisfaction.

Signatures

Note: The goal and competency ratings above may be assigned different priorities in determining the Overall Rating. An Overall Rating of "Needs Improvement" or "Unacceptable" indicates a performance level that requires prompt corrective action. Furthermore, even an employee receiving an Overall Rating of "Outstanding", "Above Average" or "Meets Expectations" may still have critical deficiencies that require remedial, corrective or disciplinary action.

By acknowledging receipt of this form, no agreement or disagreement with the ratings or comments is implied. You are only acknowledging that the performance discussion took place.

STAFF PHARMACIST NASSER EL - MINIAMI
NIGHTS:
MANAGER PHARMACY YOUSLINE ALLEN-LEBLANC

Date 09/28/2009
Date 09/28/2009

EXHIBIT

Page 3 of 4

Developing Self and Others	demeanor. Willing and able to improve own job performance through training, improving skills, increasing knowledge of the pharmacy, and learning new procedures. Monitors own performance, seeks to learn best practices from others, and sets high personal standards. Assists in the development of pharmacy staff by sharing information about pharmacy issues.	Outstanding Meets Expectations
Time Management	Is able to perform tasks simultaneously and also minimizes time between tasks. Works well under pressure and focus on tasks in a busy environment. Adheres to scheduled shifts and displays a strong work ethic.	Outstanding Needs Improvement
Interpersonal Relations	Encourages an inclusive atmosphere with open communication and mutual respect. Accurately interprets others' attitudes, feelings, emotions and reactions and displays a courteous, patient, and respectful attitude. Is comfortable dealing with people from diverse backgrounds to provide customer service, deal with conflict, and maintain morale. Accepts feedback and uses it towards self-improvement.	Outstanding Meets Expectations
Adaptability/Flexibility	Adapts to new systems, procedures, policies, and staffing changes. Is open to new experiences and ideas and is willing to try new solutions to problems.	Outstanding Meets Expectations

Overall Rating

Note: The sub-scale ratings above may be assigned different weights or priorities in determining the Overall Rating. An Overall Rating of "Needs Improvement" or "Unacceptable" indicates a performance level that requires prompt corrective action. Also, even an employee receiving an Overall Rating of "Outstanding", "Above Average" or "Meets Expectations" may still have critical performance deficiencies that require remedial, corrective or disciplinary action.

Self Rating	Above Average
RXM Rating	Meets Expectations
Self Comments	to provide the best customer service and satisfaction.
RXM Comments	follow pharmacy and company laws and regulations -- lack of multi-task skills to complete works and assignments in timely manner.

Goals - Personal Development

In the space provided please write one or more work-related self development goal(s). Your goal(s) should be a SMART goal: specific, measurable, achievable, relevant and time-bound. Be as concrete as possible.

My Goal

RPH to always strive for the best customer service and store success

Signatures

Note: The goal and competency ratings above may be assigned different priorities in determining the Overall Rating. An Overall Rating of "Needs Improvement" or "Unacceptable" indicates a performance level that requires prompt corrective action. Furthermore, even an employee receiving an Overall Rating of "Outstanding", "Above Average" or "Meets Expectations" may still have critical deficiencies that require remedial, corrective or disciplinary action.:

By acknowledging receipt of this form, no agreement or disagreement with the ratings or comments is implied. You are only acknowledging that the performance discussion took place.

STAFF PHARMACIST NASSER EL - MINIAWI
NIGHTS:
MANAGER PHARMACY YOUSLINE ALLEN-LEBLANC

Date 05/27/2010
Date 05/19/2010

Empowering People

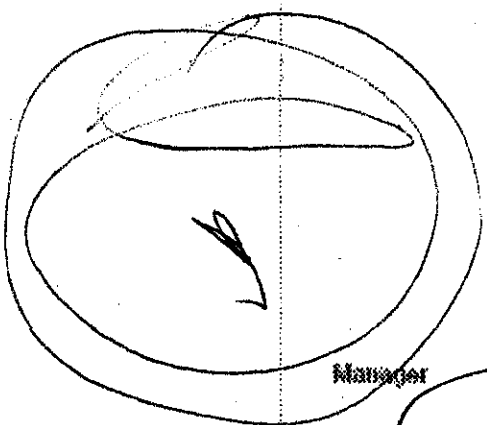
File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Favorites Print

Address https://walgreens.csod.com/EPM/ReviewsWeb/ReviewsQuestionList2.aspx?tu_id=396723&ur_id=688143 Links

Team Member **nasser elminiawi (disagreeing with a rating of 2.7 out of 5.00)** Date: 07/14/2011

there is no task or duty that is not performed in this pharmacy (from sweeping the floor, to counseling patients, to filling prescription, to customer service, to immunization, to compounding, to flavoring, to returns, to expired meds, to reports, to bin reconciliation, to smart count etc. we have not discussed why i got such a rating) obviously, I am not giving this pharmacy 50% effort, please reevaluate my work performance, thank you nasser el-miniawi



Manager **Yousline Allen Leblanc** Date: 5/30/2011

THIS IS A COPY FROM THE WALGREEN WEBSITE IN 2011 WHERE I HAD AN ORIGINAL COPY SIGNED BY YOURS LINE. THIS IS MY REBUTTAL WITH YOURS LINE 2.7/5 NOT WITH HAMMAD. THIS SAME CONVERSATION WAS SUPERIMPOSED BY HAMMAD'S NAME ON TOP IN 2012. WITH YOURS LINE SIGNATURE ON THE BOTTOM

EXHIBIT 8

Done

Trusted site

EXHIBIT 9

Walgreens

WAS HIRED MARCH 2012

Acknowledgement of the Annual Performance Review Conversation

Acknowledgement of the Annual Review-Performance Conversation for NASSER EL - MINIAWI

This is an acknowledgement that NASSER EL - MINIAWI and HAMMAD HAMEEDI have met and discussed NASSER EL - MINIAWI's performance. To finalize the performance review, both the manager and the team member need to acknowledge that they have met to discuss the Annual Performance Review.

To Do:

1. After the Annual Review Discussion, type your name below and click the Sign button to acknowledge that NASSER EL - MINIAWI and HAMMAD HAMEEDI have met and reviewed NASSER EL - MINIAWI's performance
2. Click Save and Continue to go on to the Summary or click Save and Exit to exit the review and come back later.
3. When you have finished all sections of the review, the Submit button will be available on all pages. When you are ready to submit the review, click the Submit button to complete this task.

Note: This acknowledgement only indicates that the employee and manager have met and reviewed NASSER EL - MINIAWI's performance review. It does not indicate an employee's agreement with the content of the performance review.

Team Member nasser elminiawi (disagreeing with a rating of 2.7 out of 5.00) there is no task or duty that is not performed in this pharmacy (from sweeping the floor, to counslng patients, to filling prescription, to coustomer service, to immunization, to compounding, to flavoring, to returns, to expired meds, to reports, to bin reconsallation, to smart count etc. we have not discused why i got such a rating) obviously, I am not giving this pharmacy 50% effort , please reevaluate my work performance, thank you nasser el-miniawi

Date: 6/14/2011

Manager

Yousline Allen Leblanc

Date: 5/30/2011

Walgreens
Fabricated
performance

Review for 2012

WALGREENS USED 2011 CONVERSATION FROM 2011 BY YOUSLINE. AND MADE IT SEEM LIKE THAT WAS DONE IN 2012. IT HAS HAMMAD NAME ON TOP & YOUSLINE SIGNATURE ON THE BOTTOM. THERE WAS NO FAIR PERFORMANCE EVALUATION DONE BY HAMMAD, IN 2012. BUT ONLY ACCEL ARATED FIRING WITH NO FAIR EVALUATION OR SIGNATURE. HAMMAD WAS HIRED 2012 NOT 2011

THIS REBUTAL IS FROM 2011 WITH YOUSLINE

EXHIBIT

Walgreens

ROLLED THRU AS PER MOY E-MAIL
AND SIGNED ONLY BY HAMEEDI 2012

Acknowledgement of the Annual Performance Review Conversation

Acknowledgement of the Annual Review Performance Conversation for NASSER EL - MINIAWI

This is an acknowledgement that **NASSER EL - MINIAWI** and his/her manager have met and discussed **NASSER EL - MINIAWI**'s performance. To finalize the performance review, both the manager and the team member need to acknowledge that they have met to discuss the Annual Performance Review.

To Do:

1. After the Annual Review Discussion, **type your name below** and click the **Sign** button to acknowledge that **NASSER EL - MINIAWI** and his/her manager have met and reviewed **NASSER EL - MINIAWI**'s performance
2. Click **Save and Continue** to go on to the Summary or click **Save and Exit** to exit the review and come back later.
3. When you have finished all sections of the review, the Submit button will be available on all pages. When you are ready to submit the review, click the **Submit** button to complete this task.

Note: This acknowledgement only indicates that the employee and manager have met and reviewed **NASSER EL - MINIAWI**'s performance review. It does not indicate an employee's agreement with the content of the performance review.

Team Member

Date: 2/19/2013

Manager

hammad hameedi

Date: 6/23/2012